

REMARKS

In response to the Office Action dated March 22, 2005, the Applicants have canceled claims 4-5, 9-11, 15, 20-21, and 23-24 and amended claims 1, 3, 7, 8, 12, 16, 17, 18, 19, and 22. Claims 1-2, 3, 6-8, 12-14, 16-19, and 22 are in the case. Reexamination and reconsideration of the application, as amended, are requested.

The Office Action objected to the drawings under 37 CFR 1.83 as not showing every feature of the claims. The Examiner stated that the drawings must show the claimed data collection sensors, a network, a network server, the web, interaction of a user to set the updated download time, user indication on a display, Bluetooth-compliant receiver, Bluetooth compliant transmitter or these features canceled from the claims.

The Applicant respectfully traverses this objection and submits that the drawings support the claims. However, in an effort to expedite the prosecution of this case, the Applicant has canceled these elements from the claims to overcome this objection. Thus, drawing changes are not required.

The Office Action rejected claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over Cobb (U.S. Patent No. 5,771,011) in view of Brzezinski et al. (U.S. Patent No. 5,570,297).

The Applicant respectfully traverses this rejection based on the amendments to the claims and the arguments below.

Namely, Cobb in combination with Brzezinski et al. do not disclose all of the Applicant's elements of the currently amended claims. Specifically, none of cited references, in combination or alone, disclose the Applicant's learning an opportunistic download time to attempt a download when a user is likely to be within a transmission range, wherein power is conserved by not attempting to download at learned times when the user will not be within range, as described in paragraphs [0035] and [0041] with reference to FIG. 4 of the Applicant's published specification (U.S. Publication No. 2003/0093547 A1).

In contrast, Cobb disclose "...synchronizing the data transfer rate for downloading data from a cathode ray tube (CRT) adapted for transmission of serial data bits as light pulses appearing as spaced lines on the CRT to a portable information device..." (see Abstract of Cobb). Also, Brzezinski et al. disclose "...detecting whether a person is in an emergency situation by measuring blood

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pressure, pulse and temperature, and thereafter transmitting such information and location through cellular relay stations to a home receiver..." (see Abstract of Brzezinski et al.). When Cobb is combined with Brzezinski et al., Applicant's learning an opportunistic download time to attempt a download when a user is likely to be within a transmission range, wherein power is conserved by not attempting to download at learned times when the user will not be within range is not disclosed, taught, or suggested.

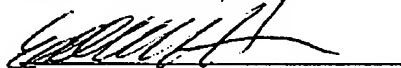
Therefore, since all of the elements of the Applicants' claimed invention are not disclosed, taught or suggested by the combination of the cited references, a prima facie case of obviousness cannot exist (*MPEP* 2143), and hence, the Applicants submit that the rejection should be withdrawn.

With regard to the rejection of the dependent claims, because they depend from the above-argued respective independent claims, and they contain additional limitations that are patentably distinguishable over the cited references, these claims are also considered to be patentable (*MPEP* § 2143.03).

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicants kindly invite the Examiner to telephone the Applicants' attorney at (818) 885-1575 if the Examiner has any questions or concerns. Please note that all correspondence should continue to be directed to:

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P.O. Box 272400
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Respectfully submitted,
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